

P O R T E R | S C O T T

A PROFESSIONAL CORPORATION
William E. Camy, SBN 291397
Washington N. Gwarada, SBN 340316
2180 Harvard Street, Suite 500
Sacramento, CA 95815
TEL: 916.929.1481
FAX: 916.927.3706
wcamy@porterscott.com
wgwarada@porterscott.com

Attorneys for Defendants, MICHAEL ANDERSON, CASEY MARA AND JOSEPH PATTON
Exempt from filing fee pursuant to Government Code section 6103

**IN THE UNITED STATES OF DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

ALFRED FITZGERALD HOOD,

Plaintiff,

vs.

MICHAEL ANDERSON, CASEY MARA,
JOSEPH PATTON,

Defendants.

Case No.: 2:23-cv-1980-KJM JDP (PC)

**EX PARTE APPLICATION AND ~~PROPOSED~~
ORDER TO CONTINUE DISCOVERY
DEADLINE**

Complaint Filed: 4/15/2024

Defendants MICHAEL ANDERSON, CASEY MARA, and JOSEPH PATTON (“Defendants”) hereby submit the following Ex Parte Application.

On April 22, 2025, the Court issued an Order that set a discovery deadline of August 22, 2025, and a deadline to file a Motion for Summary Judgment of November 14, 2025. ECF 40. At the time the Order was issued, defense counsel was preparing for a two plus week trial that was scheduled to start the following week. Defense counsel overlooked the deadlines set forth in that Order. (ECF 44, Camy Decl., ¶ 8.) Further, defense counsel’s assistant was out of the office the day the Order was issued and due to an oversight, the Order was not calendared. (*Id.*) As a result, the discovery deadline has passed and Defendants did not complete discovery before the deadline.

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1 Notably, on September 10, 2025, after the discovery deadline, Plaintiff served written discovery
2 on Defendants. Those responses are pending. (ECF 44, Camy Decl., ¶ 7.) Thus, Plaintiff has also blown
3 the deadline to complete discovery.

4 On September 25, 2025, my associate contacted Plaintiff via telephone to discuss the discovery
5 schedule. Plaintiff refused to discuss the issue or stipulate to a different deadline, necessitating this ex
6 parte. (ECF 44, Camy Decl., ¶ 8.)

7 Given that none of the parties were able to complete discovery before the discovery deadline, the
8 parties would mutually benefit from a continuance of the discovery deadline. Further, Defendants request
9 the Court continue the deadline to file a Motion for Summary Judgment, as Defendants need to complete
10 discovery before filing the Motion. Defendants request the Court continue the deadlines to:

- 11 1. Deadline to complete discovery: January 30, 2026
- 12 2. Deadline to file a Motion for Summary Judgment: April 30, 2026

13 Defense counsel profusely apologizes to the Court and accepts responsibility for this oversight.
14 Defendants would be unduly prejudiced if the deadlines are not continued as they will not have an
15 opportunity to conduct discovery and will not have the benefit of discovery to prepare their Motion for
16 Summary Judgment. Continuing the deadlines will also be an efficient use of judicial resources as it will
17 allow Defendants to fully litigate a Motion for Summary Judgment, which could eliminate some or all
18 claims and/or narrow issues for trial.

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21 Dated: September 26, 2025

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23 By: /s/ William E. Camy
24 William E. Camy
25 Washington N. Gwarada
26 Attorney for Defendants
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~~PROPOSED~~ ORDER

Having reviewed the foregoing ex parte application, and GOOD CAUSE appearing, the Court hereby grants the ex parte application and ORDERS as follows:

1. The deadline to complete discovery is continued to January 30, 2026; and
2. The deadline to file a Motion for Summary Judgment is continued to April 30, 2026.

IT IS SO ORDERED.

Dated: October 14, 2025


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE